

COASTAL CONSERVANCY

Staff Recommendation
September 24, 2009

LOS CERRITOS WETLANDS

Project No. 98-015
Project Manager: Mary Small

RECOMMENDED ACTION: Consideration and possible approval of 1) an amendment to the Los Cerritos Wetlands Authority Joint Exercise of Powers Agreement and 2) the FY 09-10 budget of the Los Cerritos Wetlands Authority (LCWA).

LOCATION: The Los Cerritos Wetlands complex is located near the mouth of the San Gabriel River, in the coastal zone. A portion of the site is in the city of Long Beach in Los Angeles County and a portion is in the city of Seal Beach in Orange County (Exhibit 1).

PROGRAM CATEGORY: Resource Enhancement

EXHIBITS

Exhibit 1: [Project Location and Site Map](#)

Exhibit 2: [LCWA Joint Exercise of Powers Agreement](#)

Exhibit 3: [February 3, 2006 Staff Recommendation](#)

Exhibit 4: [Proposed Budget](#)

RESOLUTION AND FINDINGS:

Staff recommends that the State Coastal Conservancy adopt the following resolution pursuant to Sections 31220 of the Public Resources Code:

“The State Coastal Conservancy hereby approves of an amendment of the Los Cerritos Wetlands Authority’s Joint Exercise of Powers Agreement, in substantially the language provided in the accompanying staff recommendation and further approves the proposed Fiscal Year 09-10 budget for the Los Cerritos Wetlands Authority, attached as Exhibit 4 to the accompanying staff recommendation.”

Staff further recommends that the Conservancy adopt the following findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that the Los Cerritos Wetlands Authority activities are consistent with and help to carry out the Los Cerritos Wetland Enhancement Plan approved by the Conservancy on June 25, 2001, and Chapters 6 and 8 of Division 21 of the Public Resources Code.”

PROJECT SUMMARY:

On February 3, 2006, the Conservancy approved entering into a Joint Exercise of Powers Agreement (JPA) with the Los Angeles and San Gabriel Rivers and Mountains Conservancy (RMC), and the cities of Seal Beach and Long Beach to create the Los Cerritos Wetlands Authority (LCWA) (See Exhibit 4, Staff Recommendation).

The purpose of the LCWA is to provide for a comprehensive program of acquisition, protection, conservation, restoration, maintenance and operation and environmental enhancement of the Los Cerritos Wetlands area consistent with the goals of flood protection, habitat protection and restoration, and improved water supply, water quality, groundwater recharge and water conservation. Consistent with the Joint Exercise of Powers Act, codified in Chapter 5 of Division 7 of Title 1 of the Government Code, the Los Cerritos Wetlands Authority was created on February 28, 2006 to exercise the common powers of the participating agencies.

Staff is recommending that the Conservancy approve an amendment to Section 4.1 of the Los Cerritos Wetlands Authority's Joint Exercise of Powers Agreement. Currently, this section restricts the selection of Governing Board members who represent the RMC and SCC. Over the last few years, it has become clear that local elected officials and/or employees of the member cities have both the interest and experience critical to the success of the LCWA. Therefore, the restriction regarding this appointment is not in the best interest in meeting the objectives established in the agreement. The proposed amendment to Section 4.1 is as follows:

The Governing Board of the AUTHORITY shall consist of four (4) voting members as follows:

- (a) One voting member appointed by the Governing Board of the RMC.
~~except that the Board shall not appoint an elected official, appointed official or employee of the City of Long Beach or the City of Seal Beach;~~
- (b) One voting member appointed by the City Council of Long Beach;
- (c) One voting member appointed by the City Council of Seal Beach;
- (d) One voting member appointed by the Governing Board of the State Coastal Conservancy.
~~except that the Board shall not appoint an elected official, appointed official or employee of the City of Long Beach or the City of Seal Beach.~~

This amendment has been considered and approved by each of the other member agencies of the LCWA.

In addition, staff recommends approval of the LCWA's 09-10 fiscal budget. According to the terms of the Joint Exercise of Powers Agreement, the governing bodies of each of the member agencies must approve the annual budget of the LCWA. The City of Long Beach acts as the fiscal agent for the LCWA and uses the federal fiscal year, so the LCWA will use the federal fiscal year. The proposed budget, Exhibit 4, is for November 1, 2009 through October 31, 2010. The main source of revenue for the LCWA comes from an annual lease payment in the amount of \$25,000 from Signal Hill Petroleum (SHP) that was negotiated as part of the purchase of the Phase 1 (formerly Bryant) property. SHP will pay the LCWA \$25,000 per year for the use of limited surface rights to access its oil operations until such time as SHP terminates that operation and deeds the mineral rights back to the LCWA.

Site Description: The Los Cerritos Wetlands area includes portions of the Counties of Los Angeles and Orange, and portions of the Cities of Long Beach and Seal Beach (Exhibit 2). A more detailed description of the site is provided in Exhibit 3.

Project History: Please refer to Exhibit 3 for project history.

PROJECT FINANCING:

This recommendation is not for Coastal Conservancy funds.

**CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION;
CONSISTENCY WITH CONSERVANCY'S STRATEGIC PLAN GOAL(S) &
OBJECTIVE(S); CONSISTENCY WITH CONSERVANCY'S PROJECT SELECTION
CRITERIA & GUIDELINES; CONSISTENCY WITH COASTAL ACT AND LOCAL
COASTAL PROGRAM POLICIES:**

This approval remains consistent with the Conservancy's February 3, 2006 authorization. Please refer to Exhibit 3 for a detailed discussion of the proposed project's consistency with the Conservancy's enabling legislation, strategic plan goal(s) and objective(s), project selection criteria and guidelines and with the Coastal Act and Local Coastal Program policies.

COMPLIANCE WITH CEQA:

The proposed project is not a "project" as defined under the California Environmental Quality Act (CEQA) as it does not have the potential for a effect on the environment as defined under 14 California Code of Regulations Section 15378.